



April 27, 1999

Mr. William L. Rentfro
Rentfro, Faulk & Blakemore, L.L.P.
185 Ruben M. Torres, Sr. Boulevard
Brownsville, Texas 78520-9136

OR99-1127

Dear Mr. Rentfro:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123625.

The Brownsville Independent School District (the “district”) received a request for the name, address, and telephone number of students who dropped out of high school in the past two years. You assert that this information is protected from disclosure under section 552.114 of the Government Code. We note initially that the district may withhold from disclosure information that is protected by section 552.114 without the necessity of requesting a decision from this office. Open Records Decision No. 634 (1995). However, as you have sought a decision from this office, we will address your argument against disclosure.

Under section 552.114(a), the district must withhold “information in a student record at an educational institution funded wholly or partly by state revenue.” Section 552.026 also excepts education records from disclosure, unless released in conformity with the Family Educational Rights Act of 1974 (“FERPA”), title 20 of the United States Code, section 1232g.¹ FERPA provides that no federal funds will be made available under any applicable program to an educational agency or institution that releases identifying information in a minor student’s records without parental consent. 20 U.S.C. § 1232g(b)(1). If the student

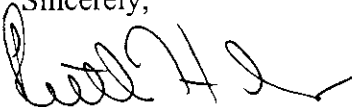
¹The term “student record” in section 552.114 has been generally construed to be the equivalent of “education records.” *See generally* Attorney General Opinion H-447 (1974); Open Records Decision Nos. 539 (1990), 477 (1987), 332 (1982).

is 18 years of age or older or attends a postsecondary educational institution, the student must give written consent to allow the release of education records. *Id.* § 1232g(d). Sections 552.026 and 552.114 also provide for release upon consent of an authorized person.

FERPA does not prohibit the release of directory information under title 20 of the United States Code section 1232g(b)(1). *See* 20 U.S.C. § 1232g(a)(5)(A) (directory information includes student names, addresses, and telephone numbers). However, the requestor here does not seek general directory information which would pertain to students, but rather requests personally identifiable information about those individuals who dropped out of school during a particular time period. Open Records Decision No. 332 at 3 (1982) (information must be withheld to extent necessary to avoid identifying students or parents). As all of the information requested is identifying information about the former students, and neither the former students nor the parents of those former students who are minors have provided consent for release, the information must be withheld from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 123625

encl. Submitted documents

cc: Ms. Mary Trevino-Garza
Ms. Cathy Elmer
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80 Fort Brown
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(w/o enclosures)